

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

TACOREY GILLIAM, #2095241, §  
Plaintiff, § CIVIL ACTION NO. 6:17-CV-00696-RAS  
v. §  
ANDERSON COUNTY SHERIFF'S §  
DEPARTMENT, FNU HIGGINS, FNU §  
CHOLK, FNU PIERSON, TIM GREEN, §  
FNU STROUT, §  
Defendants. §

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On March 12, 2019, the Magistrate Judge issued his Report and Recommendation (Doc. No. 39), recommending this action be dismissed with prejudice and all pending motions be denied as moot. Plaintiff Tacorey Gilliam ("Plaintiff") has submitted objections to the Magistrate Judge's Report and Recommendation. (Doc. No. 40.) Accordingly, the Court conducts a *de novo* review of the portions of the Report and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C).

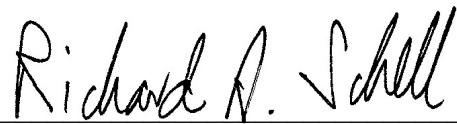
Plaintiff objects on several grounds. First, Plaintiff requests the Court appoint him counsel due to the complexity of the case and his limited access to the law library. (Doc. No. 40, at 1.) Further, Plaintiff argues that Defendant Higgins is lying about circumstances giving rise to Plaintiff's finger injury and encourages the Court to review video evidence of the incident. (Doc. No. 40, at 1–2.) Plaintiff also attaches an affidavit of Defendant Higgins with notations to

indicate sections he disputes. (Doc. No. 40-1, at 1–6.) Additionally, Plaintiff request access to witnesses he claims can help support the merits of his case. (Doc. No. 40, at 1–2.)

Plaintiff's objections do not address the reasons that the Magistrate Judge ordered dismissal. Specifically, in his Report and Recommendation, the Magistrate Judge found that Plaintiff failed to exhaust all available administrative remedies prior to filing this case. (Doc. No. 39, at 6.) As the Magistrate Judge noted, the Anderson County Jail has a three-step grievance procedure and there is nothing in the record to show that Plaintiff ever completed the second and third steps of the grievance process. (Doc. No. 39, at 6.) Plaintiff's objections provide no argument or evidence to show that Plaintiff exhausted all available administrative remedies prior to filing this case.

Accordingly, the Court **ADOPTS** the findings of the Magistrate Judge and **OVERRULES** Plaintiff's objections. It is **ORDERED** that Defendants' Motion (Doc. No. 24) be **GRANTED** and that this action be **DISMISSED WITH PREJUDICE**. The Court **FURTHER ORDERS** that all other pending Motions be **DENIED** as **MOOT**.

**SIGNED this the 27th day of March, 2019.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE